

REMARKS

Reconsideration and allowance of the application are respectfully requested. No claims have been amended or cancelled in the present response. Claims 25-27, 29-31, 36, 38-43, 45-61, 63, 64, 66 and 82-128 are pending. Claims 104-128 are withdrawn from further consideration.

The Applicant thanks the Examiner for participating in the telephone interview on December 19, 2006. The Applicant does not agree with all of the comments in the Interview Summary prepared by the Examiner. To be clear, while the Examiner explained where he believed the claim limitations of claim 25 were located in the applied references, the Applicant did not agree that all the limitations of claim 25 and its dependent claims were found in the applied references. Furthermore, the interview summary refers to the discussion of how the Pritchard reference includes a demand for hydrogen. To be clear, while the Examiner discussed the Pritchard reference, the Applicant did not agree that Pritchard disclosed or suggested a controller having a central processor and computer for receiving and processing data including data pertaining to a demand for hydrogen. Furthermore, the interview summary refers to the Applicant's concern that some dependent claim limitations were not specifically addressed. To be clear, this concern applies to all dependent claims and not just claim 40. More details concerning each of these points are presented below.

In paragraph 1 of the office action, the Examiner concluded that the Applicant's election of group I claims is an election without traverse. The Applicant confirms that the non-elected claims will be pursued in a divisional application in view of the Examiner's restriction requirement.

In paragraph 2 of the office action, the Examiner objected to the reference to continuing data in the disclosure on the basis that the data should reflect the current status of the parent application. The Applicant has amended the specification to refer to the issued parent application. Since this amendment raises no new issues, the Examiner should enter this amendment.

In paragraph 4 of the office action, the Examiner rejected claims 25-27, 29-31, 36, 38-43, 45-61, 63-64, 66, and 82-103 under 35 USC 103(a) as being obvious over Pritchard (US 5,592,028) in view of Takriti (US 6,021,402). This rejection is respectfully traversed.

Claim 25 recites structure including a controller having a processor and computer that processes data for controlling the generation and storage of hydrogen based on data “pertaining to a demand for hydrogen, data pertaining to availability of electrical energy and data pertaining to the status of said at least one hydrogen generator”.

The Examiner contends that the switches (or the actuators for operating the switches) of Pritchard teach the claimed controller. Pritchard does not teach or suggest a controller having a processor and computer, however. The Examiner further contends that the computer implemented risk-management system taught by Takriti could be employed in Pritchard “to predict the need for various inputs in combination with their cost.”

Based on the Interview, Applicant understands the Examiner’s position to be that the “controller” (e.g., switches) of Pritchard controls the storage and generation of hydrogen based on a “demand for hydrogen” since hydrogen is used or stored. Applicant disagrees.

The switches 32 of the electrolysis module of Pritchard are controlled for maximum operating efficiency (voltage) regardless of any hydrogen demand. In fact, Pritchard teaches at column 4, lines 21-23 that “a means may be provided to monitor the current density through each module and thereby provide feedback to the switch control means.” Thus, any controller (computer or otherwise) employed in Pritchard would merely analyze voltage data to ensure an optimum operation voltage is provided for the electrolysis cells. There is simply no suggestion in Pritchard or Takriti to employ a controller that controls the generation and storage of hydrogen based on data including data pertaining to demand for hydrogen as claimed.

Furthermore, Pritchard does not teach or suggest the operation of the switches of the electrolysis cells to generate or store hydrogen based on hydrogen demand. In fact, in Pritchard, even if it is determined that more hydrogen is “needed”, the switches (e.g., controller) of the electrolysis cells could not operate to control the generation and storage of hydrogen based on this “need” if there is no wind to operate the wind farm and thus the electrolysis cells of Pritchard.

In addition, as previously argued, Takriti is directed to a system that schedules the generation of electricity at an electric utility and does not manage or control the generation of hydrogen as claimed. Applicant repeats all of the arguments and submissions from its prior office action response.

Still further, the Applicant submits that the Examiner has failed to provide a full and clear statement of the Examiner’s basis and reasons for rejecting Applicant’s claims, including dependent claims, based on the applied references. It appears that the limitations presented in Applicant’s dependent claims were not addressed by the Examiner in either of the office actions. For example, the Examiner has not provided a full and clear statement of where the limitations in dependent claims 40, 41, 43 and 47-57 are taught or suggested in the applied references. The Examiner has similarly not provided a full and clear statement of where the limitations in Applicant’s other claims are taught or suggested in the applied references. The Applicant submits that, in addition to its independent claim being allowable over the applied references for the reasons outlined above, Applicant’s dependent claims are also allowable.

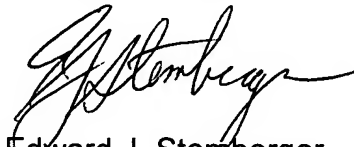
Accordingly, for the reasons outlined above as well as the reasons outlined in the Applicant’s earlier office action response, the Applicant submits that all of its pending claims are allowable over the cited references.

In paragraph 6 of the office action, the Examiner rejected all of the claims on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims of US Patent 6,745,105. The Applicant submitted a terminal disclaimer in response to the identical rejection in the Examiner’s previous office action. During the telephone interview the Examiner indicated that the terminal

disclaimer had not yet been reviewed the Examiner. The Applicant submits that the Examiner's rejection of the claims should be withdrawn on the basis that it was traversed by the filing of a terminal disclaimer with the Applicant's prior response.

All rejections having been addressed, it is respectfully submitted that this application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Stemberger', written in a cursive style.

Edward J. Stemberger
Registration No. 36,017
Phone: 202-261-1014

Customer No: 20736